

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: North Dakota

ELIGIBILITY CONDITIONS AND REQUIREMENTS

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Enforcement of Compliance for Nursing Facilities

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Additional Remedies: Describe the criteria (as required at §1919(h)(2)(A)) for applying the additional remedy. Include the enforcement category in which the remedy will be imposed (i.e., category 1, category 2, or category 3 as described at 42 CFR 488.408).

The following additional remedies as specified in 42 CFR 488.408 will be used by the state applying the criteria and notice requirements specified in the regulations:

A. The state agency will use the following category 1 HCFA specified remedies in addition to the specified remedies covered by statute:

1. Directed Plan of Care
2. Directed in-service training

B. Additional remedies included in category 2 as described in 42 CFR 488.408.

1. Ban on New Admissions

The state agency shall have the option of using either the specified remedy or enforcing a ban on new admission in lieu of a denial of payment for new admissions when the criteria for determining a denial of payment for new admissions are met. The state will determine if it is more appropriate to prevent the facility from accepting new residents, including private pay, or to allow the facility to admit residents but not receive payment.

In both instances the facility is prohibited from receiving additional revenues for new residents; however, by not allowing residents to be admitted, facility resources for which payment is not available will not be compromised by more residents using resources which may not be increased by the provider when payment is not available. Denial of payment without a ban on new admission could effect quality of existing care of residents while not causing a facility to be out of compliance on those quality of care issues.

Additional factors to consider in selecting a ban on new admissions is the administrative ease in applying a ban on new admissions versus programming the MMIS to prevent payment of new admissions.

The timing and notice requirements for ban on new admissions shall be the same as the denial of payment for new admission requirements.

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